IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LDG.) NO. 383 OF 2006.

Kekin G.Solanki and ors. ... Petitioners
Versus.
Maharashtra Secondar and Higher
Secondary Education Divisional Board
and another. ... Respondents.

Shri M.M.Vashi for the Petitioners.

Ms.Deepa Chawhan for Respondent No.1.

Shri Neel G.Helekar for Respondent No.2.

CORAM : H.L.GOKHALE, &
ABHAY S. OKA, JJ.

DATED : 20th FEBRUARY, 2006.

P.C.:

1. Heard Shri Vashi in support of this petition which is filed on behalf of two students of the 2nd Respondent College. The two Petitioners have been denied hall ticket to appear for the 12th standard commerce examination to be conducted by the 1st Respondent-Board. Both the Petitioners did not have the requisite attendance and therefore, they are being denied the hall ticket. It is, therefore, that the present petition has been filed.

2. Shri Vashi the learned Counsel appearing for the Petitioners has drawn our attention to the relevant Rule 88 from the Maharashtra Secondary and Higher Secondary Education Board Regulation 1977. Under that Rule

minimum attendance required is 75% in the two terms separately. There are, however, exceptions made and provided under the Rule itself. Thus for example, it is provided later on that the deficiency upto 15% is condonable for special medical reasons. It is further provided in subsequent proviso that the deficiency beyond 15% is also condonable on certain grounds which are provided in that Rule. However, in that situation it is necessary that when both the terms are taken together, the candidate ought to have not less than 50% of the attendance and that is the minimum requirement. In the petition there is no averment that the two Petitioners had 50% attendance when both the terms are taken together.

3. That apart, it is seen that the 2nd Respondent College had put the two Petitioners and their parents on notice. The reply filed by the College annexes the said letters issued firstly during the first tem on 24th September 2005 and later on during the second term on 6th December 2005. Ultimately the parents are also informed on 2nd February 2006 that the attendance of the students concerned was not as required and therefore, their case has been forwarded to the Board's office for withdrawal of hall ticket.

4. For condonation of any such deficiency an application with supporting documents is required. But

we have on record only a letter by the father of the 1st Petitioner dated 10th December 2005 which does not annex any document in support. There is also a letter from the father of the 2nd Petitioner dated 10th December 2005 which however assures that the student will attend regularly.

5. The fact remains that both the Petitioners do not have the attendance more than 50% as required. There is no explanation with supporting documents placed on record. Under the circumstances, it is not possible to interfere with the decision to deny hall tickets to the Petitioners. The petition is dismissed.

(H.L.Gokhale, J.)

(Abhay S.Oka, J.)